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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/009,664	11/13/2001	Adam Lavine	5163-103US	8381

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EXAMINER

HUYNH, CONG LAC T

ART UNIT PAPER NUMBER

2178

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/009,664	LAVINE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Cong-Lac Huynh	2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 28 and 30-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 28 and 30-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

1. This action is responsive to communications: the application filed on 11/13/01 as a 371 of PCT/US00/13055 05/12/00 which claims benefit of 60/134,231 05/14/99.
2. Claims 1-27, 29, 42-86 are canceled.
3. Claims 28, 30-41 are pending in the case. Claim 28 is the independent claim.

### ***Claim Objections***

4. Claim 28 is objected to because of the following informalities: the receiving means "(40)" (line 18) is a typographical error. It should be (70) to be consistent with the receiving means in the limitations (a) and (d). Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 28, 30-41 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Regarding independent claim 28, the limitations (c) and (d) are directed to automatically selecting a plurality of digital media data objects from a repository and automatically and

inserting said selected digital media data objects into the receiving means found within the story file. However, said selecting and inserting are not performed automatically but with a user's intervention as disclosed in the specification (pages 8-9).

Dependent claims 30-41 are rejected for fully incorporating the deficiencies of their base claim.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 28, 30-41 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding independent claim 28, it is unclear why to insert the selected digital media objects into receiving means included in the story file since the digital media objects are clearly inserted into the replaceable portions of the raw animated data file to create the story file (as seen in figure 13).

Dependent claims 30-41 are rejected for fully incorporating the deficiencies of their base claim.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

11. Claims 28, 30, 32-39, 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krasinski et al. (US Pat No. 6,490,370 B1, 12/3/02, filed 8/10/99, priority 1/28/99).

Regarding independent claim 28, Krasinski discloses:

(a) creating a raw animated data file with portions designated as replaceable (**figure 5**: the template for inserting animated data stream implies that the template, which is a raw

animated data file is created and the fields in the template are replaceable portions; col 5, lines 47-57 and col 4, lines 32-36: selecting DDL templates and entering data to the associated template where )

(b) adding receiving means to said data file for receiving a plurality of digital media data objects to replace said replaceable portions thereby creating a story file (**figure 5**: receiving visual animated data (VAD) stream, or specified shot within VAD stream)

(c) automatically selecting a plurality of digital media data object from a repository of said digital media data objects where each said digital media data objects comprises basic digital media data as well as

(1) linking for communicating with other data object (**figure 2, col 10, lines 20-36**: the link attribute shows the linking with other data object)

(2) code that controls the behavior of that data object (figure 2: )

(3) identification information for said data object (**figure 2, col 10, lines 20-36**: the ID attribute show the identification information of the object)

(4) parameter setting for said data objects (**figure 2**: the priority and the language are parameters set for the data objects)

such that said plurality of digital data media objects are compatible with said receiving means of said story file (figures 2 and 5)

(d) automatically inserting said selected digital media data objects into said receiving means found within said story files (**col 5, lines 47-57**: entering data associated with the template)

(e) rendering an animated presentation from the story file of selected digital media data objects (**figure 2 and col 5, lines 47-57**: modifying data associated with the template where the data is selected from the visual animated data implies that the animated presentation generated by selecting animated data and by inserting said data into the template is rendered)

(f) editing the rendered presentation by allowing for substitution of other digital media data objects for those in the original story (**col 5, lines 47-57 and figure 2**: modifying data associated with the template where the data is selected from the visual animated data)

Krasinski does not disclose presenting a preview of the rendered presentation.

However, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have modified Krasinski to incorporate the preview feature for previewing the rendered presentation since it was well known in the art that the preview feature was disclosed in the Microsoft applications such as Word or Excel for previewing created files. The combination of the preview feature into Krasinski would provide a necessary tool for checking a created file before printing and saving to eliminate the errors as well as the unwanted items in the file creating process.

Regarding claim 30, which is dependent on claim 28, Krasinski discloses that the creation step is accomplished via commercially available animation software (col 4, lines 32-56).

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Regarding claim 32, which is dependent on claim 28, Krasinski discloses that specifying limits on which digital media data objects may be inserted into the receiving means (**figure 5, #510**: selecting a digital media object according to the list of an entire visual animated data (VAD) stream, a specified shot within VAD stream, a specified frame within specified shot, a specified object within specified frame, etc, shows specifying limits on which media objects to be received).

Regarding claim 33, which is dependent on claim 28, Krasinski discloses limiting digital media data object based on keyword information found in said data object (**col 2, lines 39-45**: the searchable feature of the visual animated data implies that querying using keyword search on the media objects would limit the digital media object to be retrieved since only the animated objects that match a given keyword would be retrieved).

Regarding claim 34, which is dependent on claim 28, Krasinski discloses limiting digital media data objects by specifying an enumerated list of particular data objects that can be inserted into said receiving means (**figure 5, #510**: specifying a list of particular objects to be inserted to select shows limiting digital media objects).

Regarding claim 35, which is dependent on claim 28, Krasinski discloses inserting particular digital media data objects into particular receiving means and preventing further editing of said receiving means (**figure 5, col 13, lines 20-47**: receiving

animated data from the animated data source, and receiving unit does not modify the received data until the data is inserted into a selected template).

Regarding claim 36, which is dependent on claim 28, Krasinski discloses selecting from a public dictionary of previously created data objects (figure 1, col 4, lines 32-56).

Regarding claim 37, which is dependent on claim 28, Krasinski discloses selecting from a private database of previously created data objects (col 4, lines 32-56, figure 1).

Regarding claim 38, which is dependent on claim 28, Krasinski discloses:

(a) creating a sequence of rendering frames based on said raw animation file (col 6, lines 40-56)

(b) spatially transforming all of the story's digital media data objects for each frame in said sequence (col 6, line 66 to col 7, line 10)

(c) transforming all of the story's digital media data objects for each frame in said sequence, such that the resulting sequence of frames contains the digital media object animated within the frame (figure 4, col 7, lines 11-22)

Regarding claim 39, which is dependent on claim 28, Krasinski discloses that rendering step is achieved on a remotely located server accessible via a network (**figure 1, col 4, lines 43-55, figure 5**: the fact that the animated data to be selected and inserted into an animated template is retrieved from the animated data source, which may be a *network*

*archive*, implies that the rendered data is achieved on a remote server accessible via a network).

Regarding claim 41, which is dependent on claim 28, Krasinski discloses that the steps (a)-(b) are completed and the story file is stored in a database at a time prior to completing steps (c)-(g) (col 5, lines 47-57, col 7, lines 31-57, col 10, lines 20-36, col 13, lines 20-47).

12. Claims 31 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krasinski as applied to claim 28 above, and further in view of Gever et al. (US pat No. 6,313,835 B1, 11/06/01, filed 4/9/99).

Regarding claim 31, which is dependent on claim 28, Krasinski does not disclose that the creation step is accomplished using a web-based application. Instead, Krasinski discloses retrieving animated data from the animated source in the network (col 4, lines 32-56).

Gever discloses that the creation step is accomplished using a web-based application (col 3, lines 18-40: creating a web component of a web page where the web component can be replaced by various animated sequences of variable attributes associated with).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have combined Gever into Krasinski since Gever discloses creating a web

component using a web-based application via the Internet providing the advantage to incorporate into Krasinski for expanding the creating of animated data files over the Internet instead of limiting the creating of the animated data files from multimedia databases from local PCs.

Regarding claim 40, which is dependent on claim 28, Krasinski discloses does not disclose that steps (c)-(d) are displayed and executed via Internet web page. Instead, Krasinski discloses that said steps are displayed and executed via a non-Internet page (in claim 1 rejection).

Gever discloses selecting an animated sequence to be used for a web component of a web page and posting the web page component including the animation sequence with the changed attributes a web page (col 3, lines 18-40).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have combined Gever into Krasinski since Gever discloses selecting animated data for a web component and posting the web page including a web component with the animation sequence data where said posting inherently show inserting the animated sequence into the web component of the web page. The combination of Gever into Krasinski would expand the creating of animated data files over the Internet instead of limiting the creating of the animated data files from multimedia databases from local PCs.

***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Caravel (US Pat No. 5,613,057, 3/18/97).

Zereski, Jr. et al. (US Pat No. 5,654,886, 8/15/97).

Tullis et al. (US Pat No. 5,802,314, 9/1/98).

Nestor et al. (US Pat No. 5,864,338, 1/26/99, filed 9/20/96).

Kiyono et al. (US Pat No. 6,137,483, 10/24/00).

Gill et al. (US Pat No. 6,081,262, 6/27/00, filed 12/04/96).

Taguchi (US Pat No. 6,546,558 B1, 4/8/03, filed 11/13/96).

Hsu et al. (US Pat No. 6,295,058 B1, 9/25/01, filed 7/22/98).

Torres et al. (US Pat No. 6,738,075 B1, 5/18/04, filed 12/31/98).

Pavley et al. (US Pat No. 6,317,141 B1, 11/13/01, filed 12/31/98).

Ryan, Superbase Flies on Strong Multimedia Current, InfoWorld, Dec 12, 1994, vol. 16, Iss. 50, pg. 119, 1 pgs, printed from ProQuest pages 1-2.

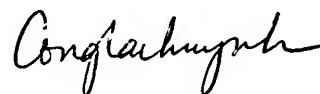
Anonymous, DHTML Tool War Begins, Web Techniques, Feb 1998, vol. 3, iss. 2, pg. 7, 1 pgs, printed from ProQuest pages 1-2.

PR Newswire, Macromedia Software Puts New Face on Motion Picture Web Sites, Dec 15, 1998, pg. 1, printed from ProQuest pages 1-3.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cong-Lac Huynh whose telephone number is 571-272-4125. The examiner can normally be reached on Mon-Fri (8:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-4125.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Cong-Lac Huynh  
Examiner  
Art Unit 2178  
11/29/04